

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SALEEM BUTLER,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	NO. 2:11-cv-2355-JD
	:	
JEROME WALSH, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
DELAWARE, and THE ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 30th day of November, 2012, upon consideration of the pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Document No. 1, filed April 4, 2011) and the Response to the Petition for a Writ of Habeas Corpus (Document No. 7, filed June 9, 2011); and after review of the Supplemental Report and Recommendation of Magistrate Judge Lynne A. Sitarski (Document No. 16, filed July 19, 2012) and petitioner's Objection[s] to the Honorable Magistrate Judge, Lynne A. Satarski [sic] Report and Recommendation (Document No. 18, filed August 8, 2012), for the reasons set forth in the Memorandum dated November 30, 2012, **IT IS ORDERED** as follows:

1. The Supplemental Report and Recommendation of Magistrate Judge Lynne A. Sitarski dated July 19, 2012 is **APPROVED** and **ADOPTED**;
2. Petitioner's Objection[s] to the Honorable Magistrate Judge, Lynne A. Satarski [sic] Report and Recommendation are **OVERRULED**;

3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Saleem Butler is **DENIED IN PART** and **DISMISSED IN PART** as follows:

- a. The 1(c)-(j) ineffective assistance of counsel claims are **DISMISSED**;
 - b. The ineffective assistance of counsel claim based on eliciting testimony about the .44 revolver is **DENIED**;
 - c. The claims based on Pennsylvania Rule of Criminal Procedure 600, the Sixth Amendment, and failure to instruct the jury on the crime of manslaughter are **DISMISSED**, and the related due process claims are **DISMISSED**;
 - d. The claim based on sufficiency of the evidence is **DENIED**;
 - e. The claim based on improper joinder is **DISMISSED**, and the related due process claim is **DISMISSED**;
 - f. The ineffective assistance of counsel claim based on failure to object to the polling of the jury is **DENIED**;
4. A certificate of appealability **WILL NOT ISSUE** for any of petitioner's claims because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DuBOIS, J.